

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1419

Introduced by Assembly Member Smyth

February 27, 2009

~~An act to amend Section 35700 of the Education Code, relating to school districts. An act to add Article 1.5 (commencing with Section 35715) to Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, relating to school districts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1419, as amended, Smyth. ~~School—districts.~~ *districts: reorganization of large districts.*

Under existing law, the process of school district reorganization begins with the submission of a petition that is reviewed by the county superintendent of schools and, if sufficient, forwarded to the county committee on school district organization and State Board of Education for additional review and public hearings. The county committee on school district organization is authorized to formulate plans and recommendations for the reorganization of school districts. The reorganization, if approved by the county committee or the State Board of Education, is required to be voted upon during the next available regular election. The reorganization plans are also required to meet specified requirements and the reorganization plans for school districts with more than 500,000 pupils based on average daily attendance are required to satisfy additional conditions.

This bill instead would require, by July 1, 2013, the reorganization of a unified school district with an annual enrollment of more than 500,000 pupils into multiple school districts enrolling no more than

50,000 pupils. A school district reorganization commission would be established to aid in the reorganization process and develop a reorganization plan. The budget of the commission would be limited to a fixed amount drawn from the administrative budget for the existing school district, without reducing funds used for classroom education. The bill would require the reorganization plan to demonstrate that certain specified conditions have been met with regard to the formation of the new school districts.

Administrative costs in the new school districts would be limited to the percentage of total funds used for those purposes in the existing school district 2 years prior to reorganization. Pupils from the existing school district would be permitted to attend school in any new school district if space is available. The existing school district would be prohibited from entering into a contract with terms extending beyond July 1, 2013. The commission would be required to report to the Legislature annually on the progress of the reorganization.

By requiring school districts with specified pupil enrollment to reorganize, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides that an action to reorganize one or more school districts is initiated upon the filing of a petition with the county superintendent of schools signed by specified persons.~~

~~This bill would make several technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 1.5 (commencing with Section 35715) is
- 2 added to Chapter 4 of Part 21 of Division 3 of Title 2 of the
- 3 Education Code, to read:

Article 1.5. Reorganization of Large School Districts

35715. Notwithstanding any other law, a unified school district that, on January 1, 2010, has an annual enrollment of more than 500,000 pupils shall be reorganized by July 1, 2013, into multiple school districts, with each new school district having an annual enrollment of no more than 50,000 pupils.

35716. (a) A unified school district that is required to reorganize pursuant to Section 35715 shall establish a school district reorganization commission with broad representation and plenary authority to develop a reorganization plan.

(b) The school district reorganization commission shall be composed of nine members as follows:

(1) The mayor of each city having more than 10,000 pupils in the existing district.

(2) The superintendent.

(3) A professor of education from a California university selected by the members of the commission listed in paragraphs (1) and (2).

(4) Other individuals selected by the members of the commission listed in paragraphs (1) to (3), inclusive, to provide balanced community representation.

(c) The annual budget for the commission shall be funded out of the administrative budget for the existing school district, without reducing funds used for classroom education.

35717. The reorganization plan developed by the school district reorganization commission formed pursuant to Section 35716 shall demonstrate all of the following:

(a) The new school districts, to the greatest extent possible, shall maintain geographic compactness and community identity.

(b) The real and personal property, facilities, and obligations of the existing school district shall be divided equitably.

(c) An increase in state costs resulting from the reorganization is insignificant and otherwise incidental to the reorganization.

(d) The reorganization maintains, to the greatest extent possible, the ability of the new school districts to educate pupils in an environment free of racial or ethnic discrimination, and complies with constitutional protections against segregation.

1 (e) The reorganization will continue to promote sound
2 educational performance and not significantly disrupt the
3 educational programs during the reorganization.

4 (f) An increase in school facilities costs resulting from the
5 reorganization is insignificant and otherwise incidental to the
6 reorganization.

7 (g) The reorganization will promote sound fiscal management
8 and not significantly diminish the fiscal integrity of the new
9 districts.

10 (h) Each city within the boundaries of the existing school district
11 has been notified that the reorganization is in progress and that
12 it has the right to establish a new school district within its
13 territorial jurisdiction as part of the reorganization.

14 35718. Administrative costs as a percentage of total funding
15 for each new school district established pursuant to this article
16 shall not exceed the percentage of total funding spent for that
17 purpose in the existing school district two years before the
18 reorganization becomes effective.

19 35718.5. A pupil from a unified school district that is
20 reorganized pursuant to this article may attend a school in any of
21 the new school districts if there is space available in the school
22 for the pupil.

23 35719. A unified school district that is required to reorganize
24 pursuant to this article shall not enter into a contract with terms
25 that extend beyond July 1, 2013.

26 35719.5. A unified school district that is required to reorganize
27 pursuant to this article shall report to the Legislature annually on
28 the development of the reorganization plan and the implementation
29 of that plan.

30 SEC. 2. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

35 ~~SECTION 1. Section 35700 of the Education Code is amended~~
36 ~~to read:~~

37 ~~35700. An action to reorganize one or more districts is initiated~~
38 ~~upon the filing of a petition with the county superintendent of~~
39 ~~schools, signed by any of the following:~~

1 ~~(a) At least 25 percent of the registered voters residing in the~~
2 ~~territory proposed to be reorganized if the territory is inhabited. If~~
3 ~~the petition is to reorganize territory in two or more school districts;~~
4 ~~the petition shall be signed by at least 25 percent of the registered~~
5 ~~voters in that territory in each of those districts.~~

6 ~~(b) A number of registered voters residing in the territory~~
7 ~~proposed to be reorganized, equal to at least 8 percent of the votes~~
8 ~~cast for all candidates for Governor at the last gubernatorial election~~
9 ~~in the territory proposed to be reorganized, if the affected territory~~
10 ~~consists of a single school district with over 200,000 pupils in~~
11 ~~average daily attendance and the petition is to reorganize the district~~
12 ~~into two or more districts.~~

13 ~~(c) The owner of the property, provided that territory is~~
14 ~~uninhabited and the owner thereof has filed either a tentative~~
15 ~~subdivision map with the appropriate county or city agency or an~~
16 ~~application for any project, as defined in Section 21065 of the~~
17 ~~Public Resources Code, with one or more local agencies.~~

18 ~~(d) A majority of the members of the governing boards of each~~
19 ~~of the districts that would be affected by the proposed~~
20 ~~reorganization.~~